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Attorneys for Defendants
ROY L. CALDWELL, Ph.D.
and DAVID LINDBERG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEANNE E. CALDWELL,

Plaintiff,

v.

ROY L. CALDWELL, Ph.D., in his official
capacity as Director of the University of
California Museum of Paleontology; DAVID
LINDBERG, in his official capacity as Chair
of the Integrative Biology Department of the
University of California-Berkeley; and
MICHAEL D. PIBURN, in his official
capacity as Program Director for the National
Science Foundation,

Defendants.

Case No. C05-04166

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
MODIFICATIONS TO OCTOBER 14,
2005 SCHEDULING ORDER**

[Filed Concurrently with the Declaration of
Adrienne S. Leight]

Pursuant to Local Rules 6-2 and 7-12, plaintiff Jeanne E. Caldwell and defendants Roy L. Caldwell, Ph.D., David Lindberg and Michael D. Piburn (collectively "parties") by and through their undersigned counsel, hereby stipulate as follows:

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MORGENSTEIN & JUBELIRER LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1. WHEREAS defendants Roy L. Caldwell and David Lindberg have filed a motion to dismiss and a motion to strike which will be heard by the Court on February 8, 2006;
2. WHEREAS defendant Michael D. Piburn ("Piburn") intends to file a motion to dismiss and/or motion to strike on February 10, 2006 pursuant to Piburn's stipulation with plaintiff;
3. WHEREAS it is in the parties' mutual interest to extend the deadlines set forth in the October 14, 2005 scheduling order ("Scheduling Order") to enable the parties to meet and confer about initial disclosures, ADR and the joint case management conference statement after Piburn enters an appearance on February 10, 2006;
4. WHEREAS it is in the parties' mutual interest to extend the deadlines set forth in the Scheduling Order pending the Court's consideration of defendants' motions;

It is proposed and stipulated that the following deadlines will be continued 60 days or as set forth below:

Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan	March 27, 2006
Last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference	March 27, 2006
Last day to complete initial disclosures or state objection in Rule 26(f) Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report	April 10, 2006
Case Management Conference	April 20, 2006, 2:30 p.m., Courtroom 3, 17 th Floor

DATED: January____, 2006

MORGENSTEIN & JUBELIRER LLP

By: /s/ William J. Carroll
William J. Carroll
Attorneys for Defendants
ROY L. CALDWELL, Ph.D.,
and DAVID LINDBERG

1 DATED: January ____, 2006

QUALITY SCIENCE EDUCATION FOR ALL

2
3 By: ____/s/ Larry Caldwell

4 Larry Caldwell

Attorney for Plaintiff

JEANNE E. CALDWELL

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6 DATED: January ____, 2006

UNITED STATES DEPT. OF JUSTICE

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8 By: ____/s/ Owen T. Martikan

Owen T. Martikan

Assistant U.S. Attorney for Defendant

MICHAEL D. PIBURN

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12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 January 30

14 DATED: ____, 2006

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16 By: _____

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